
THE UNITED STATES DISTRICT COURT
DISTRICT OF UTAH

MICHAEL A. BACON,

Plaintiff,

vs.

UNITED STATES MARSHALS SERV. et al.,

Defendants.

**MEMORANDUM DECISION &
ORDER GRANTING SALT LAKE
COUNTY’S MOTION TO SEAL**

Case No. 2:21-cv-00633 DBB

District Judge David Barlow

Under District of Utah Local Rule 5-3, Defendants move to file under seal the following exhibits to their *Martinez* report: A, G, H, I, J, and L. (ECF Nos. 89-90.) Defendants argue that these exhibits all “contain protected health information that cannot be publicly disclosed under HIPAA.”¹ (ECF Nos. 89-90.) Plaintiff does not oppose the motion.

The District of Utah’s Local Rules recognize that “records of the court are presumptively open to the public,” and so “sealing [documents] . . . is highly discouraged.” DUCivR 5-3(a)(1). However, “[o]n motion of a party and a showing of good cause, a judge may order that a Document be sealed.” *Id.*

Based on Defendants’ arguments and the Court’s review of the exhibits, the Court sees the sensitive nature of Plaintiff’s private health information. Concluding that good cause exists to seal the documents, without requiring redacted copies, the Court finds as follows: Defendants’

¹ HIPAA refers to the Health Insurance Portability and Accountability Act of 1996. Pub.L. 104-191, Aug. 21, 1996, 110 Stat. 1936.

request is narrowly tailored to the protection it seeks; the duration of the seal shall be permanent; and, at the very least, HIPAA supports the sealing. *See* DUCivR 5-3(b)(2).

IT IS THEREFORE ORDERED that Defendants' motion to file under seal exhibits A, G, H, I, J, and L is **GRANTED**. (ECF Nos. 89-90.)

DATED this 9th day of July, 2024.

BY THE COURT:

A handwritten signature in blue ink, appearing to read 'David Barlow', is written over a horizontal line.

JUDGE DAVID BARLOW
United States District Court